

06-19-02

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PATENT
Attorney Docket No. 204133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ROELVINK et al.

Group Art Unit: 1648

Application No. 09/617,569

Examiner: FOLEY, S.

Filing Date: July 14, 2000

For: ANTIGENIC COMPOSITIONS AND
METHODS

**REQUEST TO WITHDRAW ERRONEOUS HOLDING OF ABANDONMENT
OR, IN THE ALTERNATIVE,
PETITION TO REVIVE A PATENT APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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JUN 25 2002
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I. Request to Withdraw Erroneous Holding of Abandonment

Applicants request, pursuant to 37 C.F.R. § 1.8(b), that the holding of abandonment in the instant application be withdrawn.

A. Promptness of Submission

This request is being submitted promptly after Applicants have learned of the abandonment on the basis of the Notice of Abandonment mailed on June 4, 2002, and received by Applicants only one week ago, on June 11, 2002.

B. Summary

The application purportedly became abandoned on the day after May 6, 2002, as the result of Applicants' failure to file a timely response to the Advisory

Certification under 37 C.F.R. § 1.10 (if applicable)

EL190827679US

"Express Mail" Mailing Number

June 18, 2002

Date of Deposit

I hereby certify that this application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, DC 20231.

Peter Phillips

Typed or Printed Name of Person Making Deposit

Peter Phillips

Signature of Person Making Deposit

Action mailed on November 6, 2001. Applicants believe that the abandonment is erroneous inasmuch as Applicants filed a Request for Continued Examination (RCE) with the Office on November 14, 2001.

C. Submission

In support of Applicants' request the following materials are submitted herewith:

1. A copy of Applicants' Request for Continued Examination (RCE) dated November 14, 2001, in which the Office is authorized to charge any fees in connection with the RCE to the undersigned's Deposit Account No. 12-1216, and on which appears a certification that the RCE was transmitted by facsimile transmission to the Office on November 14, 2001.
2. A copy of the facsimile transmittal cover sheet dated November 14, 2001, addressed to Examiner Foley at the U.S. Patent and Trademark Office.
3. A copy of the facsimile transmission result report dated November 14, 2001, at 1:40 PM, showing that two pages of transmission (the cover sheet and the RCE) were successfully transmitted on the said date and time.

D. Statement

Attached hereto is a statement attesting to the timely transmission of the RCE referred to above based on personal knowledge.

E. Withdrawal of Abandonment

Applicants respectfully request acknowledgement of the active status of the instant application.

II. Alternative Petition to Revive a Patent Application Abandoned Unintentionally under 37 C.F.R § 1.137(B)

If the Office does not grant Applicants' request to withdraw the holding abandonment, Applicants hereby petition in the alternative for the revival of the above-identified patent application.

A. Delay was Unintentional

If, notwithstanding the above Request, this application is deemed properly to have become abandoned, it is respectfully asserted that any failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (indeed, as the foregoing indicates, the undersigned had understood until receipt of the Notice of Abandonment that the application was pending, as it was believed that the aforementioned RCE had properly been timely filed).

In re Application of ROELVINK et al.
Application No. 09/617,569

B. Required Response

The required response is attached.

C. Fee

Applicants claim small entity status. The petition fee is \$640.00

D. Payment of Fee

Charge Deposit Account No. 12-1216 in the amount of \$640.00. (A duplicate copy of this communication is enclosed for that purpose.)

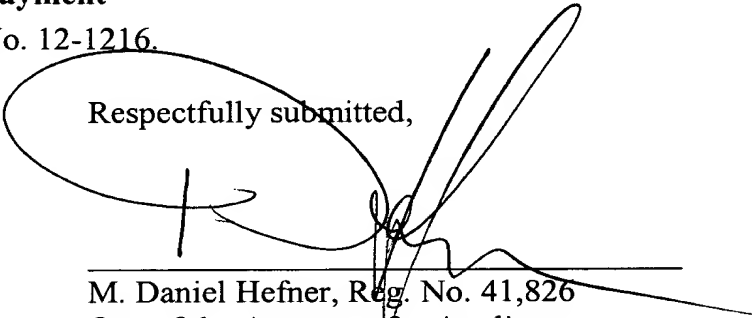
E. Authorization to Charge Additional Fees

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216.

F. Instructions as to Overpayment

Credit Deposit Account No. 12-1216.

Respectfully submitted,



M. Daniel Hefner, Reg. No. 41,826
One of the Attorneys for Applicants
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Date: June 18, 2002



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Attorney Docket No. 204133

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ROELVINK et al.

Application No. 09/617,569

Filing Date: July 14, 2000

Group Art Unit: 1648

Examiner: FOLEY, S.

For: ANTIGENIC COMPOSITIONS AND
METHODS

**STATEMENT ATTESTING TO THE TIMELY TRANSMISSION OF R.C.E.
BASED ON PERSONAL KNOWLEDGE**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. My name is Peter Phillips. I am employed by the firm of Leydig, Voit & Mayer, Ltd., as a legal assistant for the purpose of filing patent application papers for the firm's agents and attorneys with the U.S. Patent and Trademark Office.
2. On November 14, 2001, I transmitted by facsimile transmission a Request for Continued Examination (RCE) in the above-identified patent application to Examiner Foley of the U.S. Patent and Trademark Office (copy attached).
3. The "Certificate of Mailing or Transmission under 37 C.F.R. § 1.8," ("the Certificate"), which appears at the bottom of the first page of the attached copy of the RCE, bears my signature. I signed the Certificate on November 14, 2001.
4. A copy of the transmitting facsimile's report confirming the transmission is also attached.

Peter Phillips

Peter Phillips

Date: June 18, 2002

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LAW OFFICES
LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA SUITE 4900
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F A X T R A N S M I T T A L

Date: November 14, 2001

Attorney Docket:

204133

Time: 1:35:57 PM

Number of pages (including this transmittal cover sheet): 2

To: Examiner Shanon Foley
Group 1648
U.S. Patent and Trademark Office
Washington, DC 20231

From: M. Daniel Hefner, Reg. 41,826
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Facsimile Number: (312) 616-5700

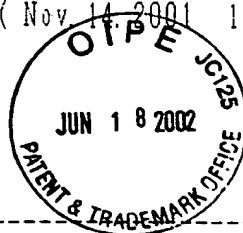
Message: RCE Enclosed: U.S. Patent Application No. 09/617,569, filed July 14, 2000.
"ANTIGENIC COMPOSITIONS AND METHODS" (Roelvink et al.)

- ☐ Original of transmitted document will be sent by: ☐ First Class Mail. ☐ Overnight Courier.
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Reason for Error

1) Hang up or line fail
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2) Busy
4) No facsimile connection